

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Group Art Unit: 1638

NAGLE, ET AL.

Examiner: WHITE, EVERETT NMN

SERIAL NO.: 10/974,165

FILED: 10/27/2004

FOR: METHOD OF GRAIN  
PRODUCTION FOR  
HETEROZYGOUS WAXY  
SUGAR-2 MAIZE

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT REGARDING REASONS FOR ALLOWANCE

Sir:

This statement is in response to the Examiner's Reasons for Allowance included with the Notice of Allowance and Fee(s) Due mailed 10/29/2009. The Examiner states "Applicants argue that the starch of the Nagle patent which is derived from a waxy maize plant that is heterozygous for the recessive sugary-2 allele is not the same as the instantly claimed starch blend, which is a starch derived from interplanting two hybrids, wherein the first hybrid is a male fertile waxy maize seed and the second hybrid is a male sterile waxy maize seed which is homozygous recessive for the sugary-2 allele."

Applicants respectfully bring the Examiner's attention to the fact that this is true for claim 8, but it is not true for claim 18 in which the two hybrids which are interplanted are a male sterile waxy maize seed and a male fertile waxy maize seed which is homozygous recessive for the sugary-2 allele.

Applicants further submit that the application remains in condition for allowance and should proceed to issuance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karen Kaiser", is written over a horizontal line.

Karen G. Kaiser

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Date: 3 December 2009

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